

GUIDANCE RE RECOMMENDED FORMS AND ORDERS

The forms and orders set forth below have been approved by the Board of Judges of the United States Bankruptcy Court for the District of New Jersey. The use of these pleadings by the Bar and public is recommended, rather than mandatory. However, it should be noted that their use will reduce the time spent by the court in the processing of your submissions.



If an attorney submits one of the forms or orders outlined below, and if the form is modified in any way, the modification must be clearly noted on the first page of the pleading, below the title, for example:

Recommended Local Form: ☐ Followed ☐ Modified

Failure to note a modification of the recommended form may result in a delay of the processing or rejection of the pleading.

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- Application For Retention of Professional and Certificate of Compliance with D.N.J. LBR 2014-1(a).
 Certification of Professional in Support of Application For Retention of Professional
 Order Authorizing Retention of _____
 - Chapter 13 Standing Trustee's Certification of Default
 - Creditor's Certification of Default
 - Default Judgment
 - Entry of Default
 - Final Judgment of Sum Certain and Costs
 - Order Approving Disclosure Statement and Fixing Time for Filing of Acceptances or Rejections of Plan, Combined With Notice Thereof
 - Order Closing Adversary Proceeding
 - Order Confirming Chapter 13 Plan

- Order Converting Case
- Order Denying Motion or Application for the Entry of an Order _____
- Order Denying Motion or Application for the Entry of an Order _____ (ADV)
- Order Directing Joint Administration of Cases
- Order Extending Debtor's Exclusive Time to File Plan
- Order Extending Time to File a Complaint Objecting to Discharge and/or Dischargeability of Debt
- Order for Admission Pro Hac Vice
- Order for Relief
- Order of Dismissal
- Order Re Extension of Time to File Schedules
- Order Reassigning Cases(s) (To Another Judge Within the District)
- Order Regarding Chapter 13 Standing Trustee's Motion to Dismiss
- Order Reinstating Chapter 7 Case
- Order Reinstating Chapter 13 Case
- Order Reopening Case
- Order Resolving Motion to Vacate Stay and/or Motion to Dismiss With Conditions
- Order Respecting Amendment to Schedule D, E F or List of Creditors (Ch 7)
- Order Respecting Amendment to Schedule D, E F or List of Creditors (Ch 11)
- Order Respecting Amendment to Schedule D, E F or List of Creditors (Ch 13)
- Order to Avoid Liens in a Chapter 7 Case Pursuant to 11 U.S.C. § 522(f)

- Order to Avoid Liens in a Chapter 13 Case Pursuant to 11 U.S.C. § 522(f)
- Order To Reclassify Proof of Claim Filed By _____ From Secured to Unsecured
- Order to Show Cause for Dismissal of Adversary Proceeding for Lack of Prosecution
- Order to Show Cause for Dismissal or Conversion in a Chapter 11 Case
- Order to Show Cause for Failure to File Schedules in an Involuntary Case
- Order Transferring Cases(s) (To Another Judge Within the District)
- Order Vacating Discharge
- Order Vacating Final Decree
- Order Vacating Stay

The information below is provided as guidance regarding the intended use of the new forms and Orders.

Application for Retention of Professional and Certificate of Compliance with D.N.J. LBR 2015-1(a) - This application may be filed to request the retention of a professional. It shall be signed by the applicant and accompanied by a *Certification of Professional in Support of Application for Retention of Professional*, and a *Proposed Order Authorizing Retention of* _____. The Application, Certification and Proposed Order shall be accompanied by a separate *Certification of Service*. ***E-FILER TIP:*** If the application is being filed by an attorney on behalf of a Trustee, the attorney AND the trustee shall sign the Application.

Certification of Professional in Support of Application for Retention of Professional - This Certification may accompany an *Application for Retention of Professional and Certificate of Compliance with D.N.J. LBR 2015-1(a)*. The Certification shall be signed by the party being retained. The Application, Certification and Proposed Order shall be accompanied by a separate *Certification of Service*.

Order Authorizing Retention of _____ - This Order may be filed as part of the retention package outlined above.

Chapter 13 Standing Trustee's Certification of Default - This Certification may be filed by the Chapter 13 Standing Trustee to request dismissal of a case when a Debtor defaults on the terms of an *Order Confirming Chapter 13 Plan*, *Order Regarding Chapter 13 Standing Trustee's Motion to Dismiss* or *Order Resolving Motion to Vacate Stay and/or Motion to Dismiss with Conditions*. The Certification shall be accompanied by a separate *Certification of Service* and proposed form of Order.

Creditor's Certification of Default - This Certification may be filed by a creditor requesting relief from the automatic stay when a Debtor defaults on the terms of an Order providing for the cure of post-petition arrearage. The Certification shall be completed and signed by an employee of the creditor who has personal knowledge of the facts contained therein. A copy of the Order providing for the curing of post-petition arrearage must be attached to the Certification. *Local Form 16* or *16A* must also be attached to the Certification if applicable. The Certification shall be accompanied by a separate *Certification of Service* and proposed form of Order.

Default Judgment - This form of Default Judgment may accompany a Request to Enter Default for a sum certain. Please include the defendant's name(s) against whom Default Judgment shall be entered. Upon the Court's approval, the Clerk shall sign and enter the Judgment.

Entry of Default - This form of Default may accompany a Request to Enter Default when the claim against the defendant is for a sum certain. Please include the defendant's name(s) against whom Default shall be entered. Upon the court's approval, the Clerk shall sign and enter the Default.

Final Judgment for Sum Certain and Costs - This form of judgment may be submitted to the Court for entry in an Adversary Proceeding where the Judgment is for an amount certain.

Order Approving Disclosure Statement - This Order will be entered by the Court upon approval of the Disclosure Statement. It is provided here for informational purposes only.

Order Closing Adversary Proceeding - This Order may be entered by the Court to formally close an Adversary Proceeding. The Order is provided here for informational purposes only.

Order Confirming Chapter 13 Plan - This Order may be submitted by the Standing Trustee upon confirmation of the Plan in a Chapter 13 case.

Order Converting Case - This Order may be submitted as a proposed Order when filing a Motion to Convert.

Order Denying Motion or Application for the Entry of an Order - This Order may be submitted when the Court denies a Motion or Application filed in a main (bankruptcy) case.

Order Denying Motion or Application for the Entry of an Order - This Order may be submitted when the Court denies a Motion or Application filed in an Adversary Proceeding.

Order Directing Joint Administration of Cases - This Order may be submitted as a proposed Order when filing a Request for Joint Administration. The cases to be jointly administered shall be set forth on page two. **Please note:** 1) the oldest case shall be designated as the lead case, 2) the request for Joint Administration shall be filed in each case being proposed for joint administration and 3) subsequent to granting of the Motion and the entry of this Order all pleadings shall be filed in the lead case.

Order Extending Time to File a Complaint Objecting to Discharge or Dischargeability of Debt - This Order may be submitted as a proposed Order when filing a Motion to Extend Time to File Complaint Objecting to Discharge or Dischargeability of a Debt.

Order for Admission Pro Hac Vice - This Order may be submitted as a proposed Order when filing an Application for Admission Pro Hac Vice. Upon entry, the Clerk shall serve the Order on the New Jersey Lawyer's Fund for Client Protection.

Order for Relief - The Court may enter this Order in an involuntary case upon consideration of the involuntary petition and any responses thereto. The Order is provided here for informational purposes only.

Order of Dismissal - This Order may be submitted as a proposed Order when filing a *Motion to Dismiss a Case*.

Order Re Extension of Time to File Schedules - This Order may be submitted when filing a *Request to Extend Time to File Schedules*. The Court shall complete page two.

Order Reassigning Case(s) to Another Judge Within the District - This Order shall be entered by the Court when reassignment is necessary due to illness, conflict, recusal, etc. The Order is provided here for informational purposes only.

Order Regarding Chapter 13 Standing Trustee's Motion to Dismiss or Certification of Default - This Order may be submitted by a Chapter 13 Standing Trustee with a *Motion to Dismiss Case* or a *Certification of Default*, or when either matter is settled. The Trustee shall complete the information on page two as applicable.

Order Reinstating Chapter 7 Case - This Order may be submitted as a proposed Order with a *Motion to Reinstate a Chapter 7 Case*. The movant shall complete all information on the Order, including the check boxes, where applicable. Upon receipt of the executed Order, the Debtor or the Debtor's attorney, if any, shall contact the previously appointed Trustee to schedule a Section 341(a) meeting. This order shall not be utilized in a closed case or in conjunction with a *Motion to Reopen*.

Order Reinstating a Chapter 13 Case - This Order may be submitted as a proposed Order with a *Motion to Reinstate a Chapter 13 Case*. The Court shall complete the Confirmation Hearing information. The movant shall complete all other information on the Order prior to submission. Upon receipt of the executed Order, the Debtor or the Debtor's attorney, if any, shall contact the previously appointed Standing Trustee to schedule a Section 341(a) meeting. This order shall not be utilized in a closed case or in conjunction with a *Motion to Reopen*.

Order Reopening Case - This Order may be submitted as a proposed Order when filing a *Motion to Reopen*. The Court shall complete page two.

Order Resolving Motion to Vacate Stay and/or Dismiss With Conditions - This Order may be submitted when a *Motion for Relief From Stay*, *Motion for Prospective Relief* or *Motion to Dismiss Case* are settled. The terms of the settlement shall be set forth in sections one through five of the Order.

Order Respecting Amendment to Schedule D, E, F or List of Creditors (Ch 7) - This Order shall be entered by the Court upon the filing of an Amendment to Schedule D, E or F or to the List of Creditors. The Order is provided here for informational purposes only. Please be advised there is a \$26 fee to file the above Amendments.

Order Respecting Amendment to Schedule D, E, F or List of Creditors (Ch 11) - This Order shall be entered by the Court upon the filing of an Amendment to Schedule D, E or F or to the List of Creditors. The Order is provided here for informational purposes only. Please be advised there is a \$26 fee to file the above Amendments.

Order Respecting Amendment to Schedule D, E, F or List of Creditors (Ch 13) - This Order shall be entered by the Court upon the filing of an Amendment to Schedule D, E or F or to the List of Creditors. The Order is provided here for informational purposes only. Please be advised there is a \$26 fee to file the above Amendments.

Order to Avoid Liens in a Chapter 7 Case Pursuant to 11 U.S.C. § 522(f) - This Order may be submitted as a proposed Order when filing a *Motion to Avoid Liens* in a Chapter 7 case. A description of the property encumbered by the lien(s) and the party whose lien(s) is being avoided shall be set forth on page two of the Order.

Order to Avoid Liens in a Chapter 13 Case Pursuant to 11 U.S.C. § 522(f) - This Order may be submitted as a proposed Order when filing a Motion to Avoid Liens outside the Plan in a Chapter 13 case. A description of the property encumbered by the lien(s) and the party whose lien(s) is being avoided shall be set forth on page two of the Order.

Order to Reclassify Proof of Claim From Secured to Unsecured - This Order is intended exclusively for submission with a motion reclassifying an *single* proof of claim from secured to unsecured. **NOTE:** It may not be utilized where the motion and supporting certification reference *multiple* claims having been filed on behalf of a particular creditor.

Order to Show Cause for Dismissal of Adversary Proceeding for Lack of Prosecution - This Order may be entered by the Court when the Plaintiff's failure to prosecute the action is noted. The Order is provided here for informational purposes only.

Order to Show Cause for Dismissal or Conversion in a Chapter 11 Case - This Order may be entered by the court when inactivity in a Chapter 11 case is noted and is provided here for informational purposes only.

Order to Show Cause for Failure to File Schedules in an Involuntary Case - This Order may be entered by the Court in an involuntary case upon the debtor's failure to file schedules as directed in the Order for Relief. The Order is provided here for informational purposes only.

Order Transferring Case to Another Judge Within the District - This Order shall be entered by the Court when transfer of a case is deemed necessary due to a related matter before another judge. The Order is provided here for informational purposes only.

Order Vacating Discharge - This Order shall be entered by the court if it is determined that an Order of Discharge has been entered prematurely. The Order is provided here for informational purposes only.

Order Vacating Final Decree - This Order shall be entered by the court if it is determined that the Final Decree has been entered prematurely. The Order is provided here for informational purposes only.

Order Vacating Stay - This Order may be submitted as a proposed Order when filing a Motion for Relief From Stay regarding real or personal property. The movant shall include a property description on page two.